

FISCAL IMPACT STATEMENT ON BILL NO. **S. 186, REVISED**

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TO:	The Honorable Glenn McConnell, Chairman, Senate Judiciary Committee		
FROM:	Office of State Budget, Budget and Control Board		
ANALYSTS:	Rodney P. Grizzle		
DATE:	January 30, 2009	SBD:	2009044

AUTHOR:	Senator McConnell	PRIMARY CODE CITE:	15-77-300
SUBJECT:	Attorney's Fees		

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:
See Below

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:
See Below

BILL SUMMARY:

Senate Bill 186 amends Section 15-77-300 of the Code of Laws of South Carolina, 1976, by limiting the allowance of attorney's fees awarded in a state-initiated action. The Bill would allow a judge to determine what a reasonable amount of time expended on the action and what a reasonable rate for that time should be.

EXPLANATION OF IMPACT:

The Judicial Department indicates this Bill would have a minimal impact on the General Fund of the State, which can be absorbed by the agency at the current level of funding. The additional time requirement placed upon the judge in the determination of what a reasonable rate would be for the attorney's fee will increase the time in the disposition of the case and therefore add to the overall time case processing in the Court of Common Pleas.

According to State Budget and Control Board legal staff this Bill will serve to limit attorney fees shifted to the taxpayer pursuant to Section 15-77-300. As a result, this Bill should result in a savings in state funds. Although the savings is not readily determinable it could be significant.

LOCAL GOVERNMENT IMPACT:

None.

SPECIAL NOTES:

The italicized portion of this impact indicates the items that have been revised. For this impact, the revised constitutes information that was not available in the original impact.

Approved by:



Harry Bell
Assistant Director, Office of State Budget